

AMENDED IN ASSEMBLY JANUARY 15, 2010

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 976

Introduced by Assembly Member Arambula

February 26, 2009

An act to amend Section 51745 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 976, as amended, Arambula. Public schools: alternative education: accountability.

(1) Existing law authorizes a school district or county office of education to offer independent study to meet the educational needs of certain pupils, including pupils taking part in alternative education programs.

This bill would require a school district, ~~prior to when~~ referring a pupil to independent study pursuant to an alternative education program, to provide the pupil and his or her parent or guardian with a listing of all other alternative education options, ~~and to utilize independent study only as a last resort, except as specified. The bill would prohibit a school district or county office of education from offering independent study to a pupil if the school district or county office of education determines that the pupil is performing below state standards, unless the pupil is employed, is pregnant or parenting, or is obliged to be off campus for his or her physical safety or due to a medical or psychological condition. The bill would authorize the State Department of Education to prohibit a school district or county office of education from continuing to enroll~~

~~a pupil in independent study if the pupil performs below average state standards for his or her grade level and does not make significant progress as specified. The bill would require, if the most appropriate alternative for the pupil is independent study, for a statement affirming the appropriateness of that choice to be signed by the pupil, his or her parent or guardian, and a school official.~~ Because this bill would require school districts and county offices of education to comply with additional requirements ~~before~~ when referring a pupil to independent study, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51745 of the Education Code is amended
- 2 to read:
- 3 51745. (a) Commencing with the 1990–91 school year, the
- 4 governing board of a school district or a county office of education
- 5 may offer independent study to meet the educational needs of
- 6 pupils in accordance with the requirements of this article.
- 7 Educational opportunities offered through independent study may
- 8 include, but shall not be limited to, the following:
- 9 (1) Special assignments extending the content of regular courses
- 10 of instruction.
- 11 (2) Individualized study in a particular area of interest or in a
- 12 subject not currently available in the regular school curriculum.
- 13 (3) Individualized alternative education designed to teach the
- 14 knowledge and skills of the core curriculum. Independent study
- 15 shall not be provided as an alternative curriculum.
- 16 (4) Continuing and special study during travel.
- 17 (5) Volunteer community service activities that support and
- 18 strengthen pupil achievement.

(b) Not more than 10 percent of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the department, shall be eligible for apportionment credit for independent study pursuant to this article.

A pupil who is pregnant or is a parent who is the primary caregiver for one or more of his or her children shall not be counted within the 10 percent cap.

(c) No individual with exceptional needs, as defined in Section 56026, may participate in independent study, unless his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(d) No temporarily disabled pupil may receive individual instruction pursuant to Section 48206.3 through independent study.

(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.

~~(f) A school district or county office of education shall not enroll a pupil in independent study if the school district or county office of education determines that the pupil is performing below average state standards. An exception to the requirements of this subdivision may be made for any of the following:~~

~~(1) A pupil who is employed;~~

~~(2) A pupil who is pregnant or is a parent and is caring for a child or children;~~

~~(3) A pupil who is obliged to be off campus for his or her physical safety;~~

~~(4) A pupil who is obliged to be off campus due to a medical or psychological condition;~~

~~(g)~~

(f) When a school district refers a pupil to an alternative education program, ~~independent study shall not be the primary referral alternative.~~ *The* school district shall provide the pupil and his or her parent or guardian with a listing of all alternative education options, as well as a description of the requirements the pupil must fulfill in order to return to his or her school of origin. If the ~~only~~ *most* appropriate alternative for the pupil ~~is~~ *includes* independent study, a statement ~~declining all other options~~ *affirming the appropriateness of that choice* shall be signed by the pupil, his or her parent or guardian, and a school official.

1 ~~(h) The department may prohibit a school district or county~~
2 ~~office of education from continuing to enroll a pupil in independent~~
3 ~~study if the pupil performs below average state standards for his~~
4 ~~or her grade level and does not make significant progress.~~

5 SEC. 2. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.